

Serial No.: 10/564,876  
Attorney Docket No.: 801948-0005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Terence Harden, et al.  
Serial No. : 10/564,876  
Filing Date : January 17, 2006  
Title : BACTERIAL TREATMENT

Group/Art Unit : Not yet assigned  
Examiner : Not yet assigned  
Confirmation No. : Not yet assigned

Atty. Docket No. : 801948-0005

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56 and § 1.97(b), the references listed below and on the attached Form PTO/SB/08A (Substitute for Form 1449A-B/PTO) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified national phase patent application. Copies of these references are enclosed. Submission of these references is not an admission that the references constitute prior art.

**FOREIGN PATENTS AND PUBLICATIONS**

<u>Publication No.</u>	<u>Inventor(s)</u>	<u>Publication Date</u>
WO 1999/032651 A1	BCM Developpement Inc.	07/01/1999
WO 1999/028441 A1	Eisai Co., LTD	06/10/1999

**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: 2-22-06

Signature: Becky Diebold

Printed Name: Becky Diebold

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

**OTHER REFERENCES**

EMBL Ac. No. AB017591, Kim, J.K., 15 March 1999 (3 pages: cover page and p. 1-2)

DGENE DATABASE Ac. No. ABK10958, Koo, B.S. et al., 06 Jun 2002 (p. 25, p. 12-13)

PCT Pub. No. WO 1999/028441 A1 relates to a novel antibacterial *Bacillus subtilis* strain. This strain exhibits antibacterial effects against certain deleterious bacteria while not exhibiting such effects against certain lactic acid bacteria.

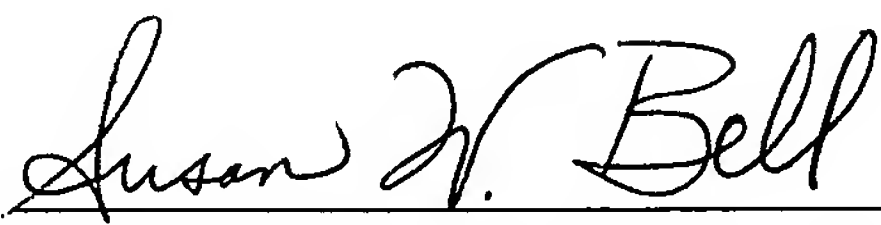
Applicants respectfully request that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d). Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By:   
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(use as many sheets as necessary)

Attorney Docket Number:	801948-0005
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[illegible][illegible]Date  
Considered

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<b>Substitute for Form 1449B/PTO (Modified)</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<b>Complete if Known</b>	
				<b>Application Number:</b>	10/564,876
				<b>Filing Date:</b>	January 17, 2006
				<b>First Named Inventor:</b>	Terence Harden
				<b>Group Art Unit:</b>	
				<b>Examiner Name:</b>	
<b>Sheet</b>	2	<b>of</b>	2	<b>Attorney Docket Number:</b>	801948-0005

<b>OTHER REFERENCES – NON PATENT LITERATURE DOCUMENTS AND INFORMATION</b>			
<b>Examiner Initials*</b>	<b>Cite No.<sup>1</sup></b>	<b>Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published</b>	<b>T<sup>2</sup></b>
		EMBL Ac. No. AB017591, Kim, J.K., 15 March 1999 (3 pages: cover page and p. 1-2)	
		DGENE DATABASE Ac. No. ABK10958, Koo, B.S. et al., 06 Jun 2002 (p. 25, p. 12-13)	

<b>Examiner Signature</b>		<b>Date Considered</b>	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.